



Optimizing Restorative Justice Value in Prosecution Using Victim Impact Statement

Trisnaulan Arisanti¹, Nurani Ajeng Tri Utami¹

¹ Jenderal Soedirman University, Purwokerto, Indonesia
trisnaulan@gmail.com

Abstract. Restorative justice is a concept of justice that involves all parties in the criminal justice system including the community and aims to restore the situation as it was before the crime occurred. The problem is that currently the RJ concept prioritizes the interests of the perpetrators by avoiding the trial process and the imposition of punishment. Meanwhile, from the victim's side, the rights of victims are still not optimally considered. From several cases that have attracted public attention, victims' losses have not been adopted in the trial process. The victims were not satisfied with the judge's decision and felt that they had not received appropriate justice. The prosecution process, represented by the Public Prosecutor, mandates the prosecutor to better advocate for the perspective of crime victims in the prosecution process. The prosecuting agency through the Public Prosecutor has an important role in the realization of restorative justice, especially as an extension of the state representing the interests of victims. This research is normative in nature through literature study and case approach. It can be concluded that Victim Impact Statement can be used by public prosecutors in Indonesia as an alternative method to further optimize justice for victims. Victim impact statement in the prosecution process allows the victim or affected party to be heard and results in a fairer judge's decision.

Keywords: Prosecutor, Restorative Justice, and Victim Impact Statment

1. Introduction

On Tuesday, August 8, 2023 the Supreme Court ruled on the cassation of the Nofriansyah Joshua Hutabarat murder case where several defendants in the case received leniency. From Ferdy Sambo's death sentence to a life sentence, Putri Candrawathi's sentence from 20 years to 10 years in prison. Kuat Ma'ruf received from 15 years to 10 years in prison. While Ricky Rizal who got 8 years in prison from a sentence of 13 years.[1] In this case the family's reaction was conveyed through their legal advisor Kamaruddin Simanjuntak that the cassation decision was deemed "Unfair, disappointing the family and not being a representation of the community". Meanwhile, Brigadier Josua's mother stated that the family was unaware of Ferdy Sambo CS's cassation process. "It has been knocked on the hammer, from the start of Ferdy Sambo's cassation to the Supreme Court, no one has informed and no one has interviewed," The news of the Ferdy Sambo case, apart from being negatively assessed by the victim's family, was also welcomed negatively by Indonesian

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netizens.[2] A number of negative netizen sentiments on a case that leads to fair law enforcement is a strong basis for the goal of improving law enforcement in Indonesia. [3]

University of Indonesia academic Heru Susetyo, SH, LL.M, M.Si, PhD. conveyed that in the Criminal Procedure Code (KUHAP) the victim is not mentioned much. Except when the victim is also a witness. Alias, the victim is still alive and his testimony needs to be heard in court. Meanwhile, when the victim is dead, the suffering of the victim's family or testimony from people around the victim is rarely accommodated.

In fact, victims are not only direct victims. Families of victims are also indirect victims. Their suffering must also be accommodated by the court. In the judicial system of western countries, the accommodation of the rights of victims and their families in the trial is set out in VIS (Victims Impact Statement). The victim or their family can present in person or in writing to the court about the suffering and impact of the crime on the victim and their family.[4] Victim impact statements have been widely heralded as a means of promoting victim involvement in criminal court decisionmaking and of increasing victim satisfaction with the justice process.[5]

In the case of the Kanjuruhan case with a total of 132 deaths, minor injuries to 596 people and those who suffered serious injuries 26 people or a total of 754 victims. The panel of judges sentenced the Chairman of Arema FC Panpel Abdul Haris to 1 year 6 months. lower than the prosecutor's demand for 6 years 8 months imprisonment. The next defendant is Arema FC Security Officer, Suko Sutrisno who was convicted with a sentence of 1 year in prison. much lighter than the demands of the public prosecutor who asked Haris to be sentenced to 6 years 8 months in prison. Meanwhile, the Panel of Judges at the Surabaya District Court acquitted AKP Bambang Sidik Achmadi, former Head of Malang Samapta Police. The judges decided that Bambang Sidik, the AKP, was not to blame for the Kanjuruhan tragedy. The judge also ordered Bambang to be released from detention. The decision was not in accordance with the prosecutor's demand that AKP Bambang Sidik be sentenced to three years in prison for violating Article 359, Article 360(1), and Article 360 of the Criminal Code. Another defendant, Kompol Wahyu Setyo Pranoto, Head of the Operations Unit (Kabag) of Malang Police Station, was also released; the prosecutor demanded that Kompol Wahyu be sentenced to three years in prison. Posters demanding a thorough investigation of the Kanjuruhan case are still displayed in several corners of Malang City. The families of the victims who were killed, permanently injured and traumatized by the case are mostly disappointed because the judge did not pay attention to the losses suffered by the affected families. The Kanjuruhan incident itself can be categorized as a crime against humanity, which led to the firing of tear gas that claimed many victims, which itself is a form of widespread attack directed against the civilian population, in the form of murder and torture, as regulated in Law No. 26 of 2000.[6]

In some cases, the Supreme Court's decisions in appeals are often considered unfair because they do not represent the material and immaterial losses of victims.

While restorative justice is being built into the Indonesian legal system, injustice is felt in cases that raise public attention and represent the image of the judiciary and justice in Indonesia. The partiality of Indonesian law towards victims is questionable as perpetrators of crimes in Indonesia receive more attention and preferential treatment than victims of crimes.

From the above case examples, a common thread can be drawn: the dissatisfaction of victims or families of affected victims. The judge's decision does not accommodate the suffering or loss felt by the affected party, in this case the victim's family or for victims who bear disability or trauma. With the above description, it can be said that the situation of victims in a criminal offense is not easy to resolve from a legal perspective. Victims have long received less attention, and are more focused on retaliation against the perpetrator through punishment. As Article 27 paragraph (1) of the 1945 Constitution (UUD 45) states, that:

"All citizens are equal before the law and government and shall uphold the law and government with no exceptions"

In this case, the state is committed to ensuring that every citizen is treated equally and fairly before the law, also in the sense of whether he is a suspect or victim in a criminal offense, humanity as the foundation of the state philosophy. Pancasila animates all laws in Indonesia, from the 1945 Constitution to the laws and regulations under it.[7]

2. Problems

- a. With the development of the concept of restorative justice, what breakthroughs can the Public Prosecutor make in optimizing it in the prosecution process?
- b. What benefits can be obtained by optimizing the Victim Impact Statement victimology tool in Prosecution?

3. Method

The author uses normative research methods using data: a) Legal sources, b) Secondary legal sources, namely literature, journals, and other scientific works and case approaches. The approaches used are legal, comparative, case analysis and conceptual approaches. Legal materials related to the issues discussed are presented, systematized, then analyzed to interpret the applicable law. Steps related to the processing of legal materials that have been collected to answer legal issues that have been formulated in the formulation of the problem. Of course it also involves scientific reasoning activities on the legal materials analyzed, both using induction and deduction reasoning. The results of the analysis are then presented descriptively, namely providing an overview of the need for legal protection for victims of illegal medical practice crimes in the law enforcement process.

4. Discussion

The emergence of disappointing decisions for victims or affected families is a classic problem, that the Criminal Justice system as a basis for resolving criminal cases does not recognize the existence of victims of crime as seekers of justice, a victim of crime will suffer again as a result of the legal system itself, because victims of crime cannot be actively involved as in civil trials, victims cannot directly submit their cases to the court but must go through agencies appointed by the state (police and prosecutors).[8]

Meanwhile, the interests of the victim are considered to be represented by the state apparatus, namely the police and prosecutors as investigators, investigators, and public prosecutors, but the relationship between the victim of a crime on the one hand and the police and prosecutors on the other hand is symbolic, while the relationship between the defendant and his legal counsel is in principle purely in the legal relationship between service users and service providers regulated in civil law. The police and prosecutors act to carry out the duties of the state as representatives of victims of criminal acts and/or the community, while the legal counsel acts on behalf of the defendant who acts on behalf of the defendant himself.[9]

The above shows that the Criminal Justice System should be reviewed to look at broader interests, not only focusing only on retaliation for the perpetrator of the crime but also the interests of victims who deserve attention. The protection contained in the Criminal Procedure Code leans on the protection of the human rights of the perpetrators of criminal acts rather than the human rights / interests of victims, for this reason, it can be stated that the provisions covering the interests of victims are only about pretrial and combined compensation claims, in other words, the system adopted by the Criminal Procedure Code is retributive justice, which is a policy whose point of protection is the offender (offender oriented), not restorative justice which focuses on protecting victims of criminal acts (victim oriented).[9]

Looking at the rights of victims in the Criminal Procedure Code, it can be found that the rights for victims are minimal compared to the regulation of the rights of criminal offenders (suspects/defendants/criminals). Legal protection is regulated more for the perpetrators of criminal acts, as seen in the articles contained than for the interests of victims who experience loss or suffering from criminal acts by the perpetrators.

In the KUHAP, an analysis of the rights of victims can be found in only 4 (four) aspects, namely:

- a. The right to control the actions of investigators and prosecutors, namely the right to object to the termination of investigation and/or prosecution in their capacity as interested third parties. This is contained in Article 109 and Article 140 paragraph (2) of KUHAP;
- b. Victims' rights related to their position as witnesses, as contained in Article 168 of the Criminal Procedure Code;
- c. The rights of the victim's family in the event of the victim's death, in terms of granting permission for the police to perform a post-mortem or grave

exhumation for the purpose of an autopsy. Set out in Articles 134 to 136 of the Criminal Procedure Code;

- d. The right to claim compensation for losses suffered as a result of a criminal offense in his capacity as an injured party. Contained in A r t i c l e s 98 through 101 of the Criminal Procedure Code.[8]

In relation to the relationship between victims and agencies involved in the criminal justice system, especially in the issue of compensation for victims of criminal acts, a number of legal expert opinions have drawn pros and cons. Some state that the inclusion of victims' interests in the criminal process will complicate the criminal process and is not in line with the principles of fast, low cost, and simple justice.

In addition, the doctrine taught that there is a difference between public law and private law, and criminal law and criminal procedure law are state affairs and not individual affairs.

From the explanation above, it is known that the interests of victims of criminal acts still face challenges from the point of view of the criminal justice mechanism, because lawmakers (legislative policy)²⁶ are strongly influenced by the wishes of the flow in society that wants to prioritize the protection of the human rights of the perpetrator / defendant, thus forgetting the principle of balance and protection as the basic principle of the legal philosophy of Pancasila.[9]

4.1. The Role of the Prosecutor in Relation to Restoring Victims' Rights for Justice

The right to retaliation by victims is basically prohibited, because in principle retaliation has been taken over by the state, but the rights of victims in restoring their rights for the principle of equality before the law must still be implemented. In the criminal justice system, victims of crime are represented by public prosecutors in court proceedings. Prosecutors are considered to have sufficient ability to formulate criminal articles and provide appropriate punishment for criminals. However, to quote Adnan Buyung Nasution, real justice is when all parties accept the punishment determined by the judge, both the convicted person and the victim. This means that the convict realizes that the punishment received is commensurate with his actions and the victim also feels that the punishment applied can fulfill a sense of justice to restore the suffering he has experienced.

Prosecutors correlate in the mention of positions while the notion of public prosecutors correlates when conducting prosecutions in trials. The Indonesian Attorney General's Office, as an institution that carries out the prosecution function based on the provisions of Article 14 of the Criminal Procedure Code, has the authority:

- a. receive and examine investigation case files from investigators or assistant investigators;
- b. conduct pre-prosecution if there are deficiencies in the investigation by taking into account the provisions of Article 110 paragraph (3) and paragraph (4), by

- providing instructions in the context of improving the investigation from the investigator;
- c. grant an extension of detention, conduct detention or continued detention and or change the status of detention after the case has been submitted by the investigator;
 - d. make an indictment;
 - e. referring the case to the court;
 - f. notify the defendant of the date and time of the hearing, accompanied by a summons, both to the defendant and to witnesses, to appear at the appointed hearing;
 - g. conduct prosecution;
 - h. closing the case in the interest of the law;
 - i. take other actions within the scope of duties and responsibilities as a public prosecutor according to the provisions of this law; and
 - j. implementing the judge's decision.

The main task of the public prosecutor (hereinafter abbreviated as JPU) is to conduct prosecution, meaning the action of the public prosecutor to submit a case to the district court authorized in the case and in the manner provided for in the law with a request that it be examined and decided by a judge at a court session. This duty can be realized and is concrete in that during the trial, the public prosecutor presents the defendant, submits an indictment, presents witnesses and witnesses. Other evidence, file criminal charges, and then file a duplicates. In the judicial process, the prosecutor's duty is basically to defend the interests of the state and society, without neglecting the interests of individuals, both victims and perpetrators, in order to uphold law and justice.

The issue of protection of "victims" of crime and "witnesses" has received international attention, to be precise the VII UN Congress in 1985 on "The Prevention of Crime and The Treatment of Offenders", in Milan, August 26 - September 6, 1985. In the UN Congress VII 1985 in the section "The Victim in the Criminal Justice System" explained that

"It was stressed that victims should have access to criminal justice mechanisms to the extent necessary to ensure that their rights were upheld and services became effectively available."

It should be noted that victims should have access to criminal justice mechanisms/processes to the extent necessary to ensure that their rights are upheld/protected and that they receive effective services. The conclusions of the 1985 VII UN Congress in Milan, in the section "The Victim in the Criminal Justice System" explained "Victims rights should be perceived as an integral aspect of the total criminal justice system." [5] Victims' rights should be an integral part of the total criminal justice system.

4.2. Greater Attention Needed for Victims in Realizing Restorative Justice for Themselves

Restorative justice, also known as "reparative justice", is an emphasis on justice that focuses on the needs of victims and offenders and involves community participation. The spirit of restorative justice is to restore things to their original state. In cases of loss of life or permanent disability restitution is qualitative and subjective. Even nominal compensation in the form of restitution or compensation may not be able to recover the losses suffered by the victim. Immaterial losses that are subjectively felt by the victim often cannot be captured by the judge, resulting in a decision that does not "empathize" with the affected party. With the development of Restorative Justice, the needs of victims should be better accommodated, not only limited to certain cases that allow the application of Restorative Justice mechanism. The value of restorative justice especially towards victims can be developed through respect for the subjective side as simple as where victims / parties affected by a criminal case are heard in the judicial process. The concept of Restorative justice basically considers justice no longer based on retaliation (whether physical, psychological or human) but healed by providing support to the victim and requiring the perpetrator to take responsibility with the help of family and community when needed which emphasizes a return to the original state. The fact is that the impact felt by victims in relation to restorative justice has not received a crucial position in the criminal justice system. Yet this is the essence of why retribution is needed (in retributive justice). This impact is the basis for the calculation of restitution and compensation. Which in its development, the impact that is subjectively felt by the victim is the basis for what needs to be "restored" or restored. Which if the defendant is not able to nominally replace it because often the material cannot accommodate the loss of compensation it is appropriate inclusion imposed on the defendant. In the judicial process the loss or impact suffered by the victim was briefly reviewed in the Police Investigation Report and also in the Prosecutor's Indictment.

In this case the prosecutor is a representation or extension of the victim to be fully involved, representing the justice expected by victims of crime. Therefore, it is important for prosecutors to optimize justice for victims through exploring the principles and science of law, especially through the institution of victimology. In representing the victim, the prosecutor needs to ensure the success of an evidentiary process. In addition, to achieve balanced justice, the prosecutor needs to accommodate both material and immaterial losses felt by victims so that they are implemented in the judge's decision. This is to strengthen the judge's belief that the sentence demanded by the prosecutor is appropriate in addition to applying a form of compensation that is appropriate for the victim and possible to be fulfilled by the defendant. Compensation recognized in the Indonesian legal system is in the form of Restitution and Compensation.

Victim representation/involvement in the justice process cannot be better represented except through the victim's own words. Although conveying this impact is a dilemma because it is considered melodramatic in an official forum that demands objectivity such as a courtroom. This cannot be denied because each case is case-by-

case, and how and what the impact will be is always different from one case to another. On the one hand, the submission of losses specifically needs to be given sufficient space to provide involvement to victims, but it needs to be formally regulated so that in addition to being able to voice a subjective sense of justice, it can provide a basis for the prosecutor to understand the urgency of proof and prosecution. The ultimate goal is to form the judge's conviction regarding fair punishment and what assistance or form of recovery is needed by the victim. Ratiologically, the impact felt by the victim becomes the occasion or basis for the judge's consideration. If the victim's rights are solely based on the judge's consideration without any explanation regarding the restoration of the victim's rights that really provides certainty based on the interests of the victim, this will lead to inconsistencies in the judge's decision, especially if there are legal remedies that are tiered from the district court to the Supreme Court. Inconsistencies that stem from the judge's consideration *mutatis mutandis* become an obstacle to the maximum fulfillment of victims' rights.

The impacts felt by victims can be physical health impacts, psychological health impacts, sociological impacts and economic impacts.[10] Indeed, the judge's decision must reflect the sensitivity of conscience, moral intelligence and empathy that can psychologically restore the immaterial losses felt by the victim. The prosecutor's indictment and charges are the origin of the judge's conviction. In some laws. The subjectivity of the victim's loss when described or presented in the courtroom is considered unnecessary and not in accordance with the principles of a speedy, simple and low-cost trial. In the criminal justice process the victim, who should be the center of restorative justice, functions only as a witness.[11] The victim comes to court only to give testimony and the victim's function is more passive because it is already represented by the prosecutor.[12]

Compared to other countries, victims are given the opportunity to explain the impact of the criminal offense on both the victim and his/her family, this is also enacted in the United States, South Australia, Finland, Canada and the civil law country of the Netherlands. In some countries, the victim's loss is conveyed through the victim's subjectivity through the Victim Impact Statement mechanism. Victim Impact Statement (shortened to VIS) Victim Impact Statement is defined by Erez and Rogers as "a statement made by the victim and addressed to the judge for consideration in sentencing. It usually includes a description of the harm in terms of financial, social, psychological and physical consequences of the crime. In some jurisdictions a VIS also includes a statement regarding the victim's feelings about the crime, the offender and a proposed sentence, referred to as a victim statement of opinion". A paradigm shift from perpetrator-centric to victim-centric is possible through this mechanism, which can overcome the solution to the imbalance of the rights of perpetrators and victims of crime.[13]

In some countries the statements contained in the VIS are limited to the impact of the crime rather than how the crime was committed. Referring to the early history of the Victim Impact Statement mechanism, there was dissatisfaction from the mother of one of the victims of a murder case in Fresno California in 1969, where the killer was given a chance to be paroled. Sharon Tate formed the victim-focused Equality

Coalition and pushed for the passage of the Victims' Bill of Rights in 1982 in the United States.

The Indonesian Law on Witness and Victim Protection does not cover the psychological validation needs of victims, namely to be heard and considered for their impact in an open forum in the judicial process, namely in the courtroom. In the Witness and Victim Protection Law, the rights stipulated are is a broad societal right. It is not an individual's personal right to feel safe, free from trauma, which should also be guaranteed by the State.[13]

There is no legislation in Indonesian law that explicitly adopts or uses the Victim Impact Statement method. However, there are similarities with the method found in Law No. 11 of 12 concerning the Juvenile Criminal Justice System, in Article 60 Paragraph 2 which states:

(2) In certain cases the child victim shall be given the opportunity by the judge to express his/her opinion about the case.

The existence of similar concepts as above can be a promising forerunner for the development of Victim Impact Statements in Indonesia, namely by accommodating the victim's right to speak between the victim and the defendant in order to balance the position in accordance with the principles of criminal procedure law.

Not all criminal cases in Indonesia apply restitution or compensation. Restitution is scattered in several laws, among others:

Table 1. The role of the public prosecutor in restoring the victim's loss

No.	Legislation	The Role of the Public Prosecutor in the Restoration of Rights Victims
1	Article 98 paragraph (2) of KUHAP	Submission of a request for merger of compensation cases at the latest before the filing of criminal charges by the victim of a criminal offense.
2	Explanation of Article 48 paragraph (1) of the Law Law No. 21 Year 2007 on the Crime of Trafficking in Persons	The Public Prosecutor informed the victim of the right to apply for restitution to the victim of the crime of trafficking in persons, where the application for restitution was read out together with the indictment.
3	Article 7A paragraph (4) of Law No. 31 Year 2014 on the Amendment of Law No. 13 of 2006 on Witness and Victim Protection	If the victim of a criminal offense wishes to apply for compensation/restitution, it can be done before the court decision to be included in the prosecutor's indictment.
4	Article 14 paragraph (1) & Article 18 of the Regulation Government Regulation No. 43/2017 on the Implementation of Restitution for Child Victims of Crime	The public prosecutor is obliged to inform the victim of their right to restitution, including the procedure for applying. The application for restitution must be submitted within a maximum of 3 days after the victim has been informed of their rights, at which point the public prosecutor will examine the completeness of the victim's application for restitution. The application is then read together with the indictment.

5	<p>Article 3 and Article 27 of the Regulation Government Regulation No. 7 of 2018 jo. Government Regulation No. 35 of 2020 on the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims as an implementing regulation of the Protection Law, Witnesses and Victims</p>	<p>The Public Prosecutor plays a role in reading the request for compensation and including the request for restitution in the indictment.</p>
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In order to balance the position of the victim and the defendant in accordance with the principles of criminal procedure law, it is necessary to accommodate the victim's right to speak. This can be applied by the public prosecutor after the completion of the evidentiary process and before the reading of the indictment as the basis for the issuance of a clause that needs to be approved and believed by the judge. Judges need to listen to the victim's perspective before passing a verdict because it considers justice for the victim.

In the system of providing compensation to victims who intersect with the realm of criminal justice, namely:

- a. Civil compensation awarded through criminal proceedings (merger of compensation cases);
- b. Compensation is civil in nature and mixed with criminal in nature which is provided through criminal proceedings (restitution); and
- c. Civil damages are provided through criminal proceedings supported by state resources (compensation).

In the three systems of redress above, the role of the public prosecutor is closely linked. If the victim wishes to seek redress through the criminal justice process alone, the request for redress should be included in the indictment.

In Article 182 paragraph (1) letter a of KUHAP, criminal charges are a tool of the Public Prosecutor which is submitted after the examination at trial is declared complete. Criminal charges (through a prosecution letter) become a reference for the Judge in deciding the case, although the Judge has discretion in giving a verdict, either lower or higher. The indictment is the prosecution's tool to represent Justice for victims of crime. The indictment must set out the reasonable grounds on which it is based as adjusted in the evidentiary process. In this case, the position of the victim of a crime and the public prosecutor seems to be a unity because the victim is present at the trial as a tool for the public prosecutor to prove the actions and guilt of the perpetrator who has violated the law. The function as a tool for the prosecutor for victims needs to be given a more important portion, namely to represent themselves to obtain restorative justice.

4.3. Benefits of Victim Impact Statement for Related Parties

In order to implement the VIS method in the criminal justice system, especially the prosecution process, it is necessary to assess whether or not the method has more benefits. From several studies in countries that have implemented VIS, there are more benefits than not, especially in terms of justice felt by victims. The delivery of VIS is

an empowerment for the victim, which is correlated with the fulfillment of restorative justice.

Benefits for Judges:

The VIS provides the judge with information on the harm caused by the defendant. The main factor determining the sentence imposed by the judge is the severity of the crime. Therefore, the judge needs to know the seriousness of the crime. The subjectivity of the victim is needed to determine the seriousness of the impact. VIS is important information to measure restitution/compensation. It helps the judge to look at the case in a balanced way. Prosecutors may take a case to court but they are not personally affected by the impact of the crime and are not fully aware of what the victim is going through. Benefits for the Police:

VIS provides a perception of justice by ensuring all parties are heard so that prejudice or disappointment is not directed at the police in the course of their duties. VISs can make defendants aware of the true impact of their crimes leading to greater acceptance of responsibility and rehabilitation. Archiving VISs in a data bank allows the police to discover criminal patterns and can be used for crime prevention.

Benefits for Prosecutors:

As outlined above the VIS forms the basis for determining redress such as compensation/restitution. It contains information on impacts such as charges or debts and is an effective tool for prosecutors in evidence.

Benefits for victims:

By having the impact of the crime heard by the victim at the hearing, and having the opportunity to speak together with the prosecutor and the public, victims feel that the community knows about their suffering and is valued in the criminal justice process.

VIS has a therapeutic aspect by helping victims recover from the crimes that happened to them. It allows victims to validate and live with what has happened instead of shutting down and realizing that they can cope by knowing the impact of what hurt them. The opportunity to talk to the accused about their pain contributes to the healing process. They will regain a sense of dignity and respect instead of feeling helpless and ashamed. VIS may also include valuable information about restitution and can assist victims or their families in bearing the costs incurred as a result of the crime. In addition, other benefits are felt by victims:

- a. giving the victim the opportunity to explain the impact of the crime;
- b. Create avenues for physical, psychological and social healing and recovery of victims;
- c. Increased opportunities for more measurable restitution and compensation as matters of harm to victims can be disclosed directly by victims in court; and
- d. Victims take part in providing consideration to judges towards the restoration of victims' rights in court decisions.[12]

It is hoped that in parole and in every level of legal remedy, this VIS will be one of the requirements of the judge's consideration so that there are no inconsistencies at every level of justice. The subjectivity of the victim is emphasized over the subjectivity of the judge because the interests of the victim are at the center of the restoration of justice.

5. Conclusion

Victim Impact Statements are a method that can be applied by public prosecutors in the prosecution process to further optimize restorative justice. VIS has not been formally included in Indonesian legislation but can be an alternative victimology mechanism for prosecutors to optimize their duties and functions to achieve more restorative justice as mandated by Attorney General St. Burhanudin. VIS, which has been implemented in several countries, can be one solution for the implementation of state responsibility in optimizing the restoration of rights to victims by shifting the victim's passive position to an active one.

Victims' rights in the Indonesian criminal justice process are represented by the Prosecutor. Public Prosecutor. To optimize restorative justice and avoid setting aside the victim's right to be heard and restored. The Public Prosecutor can apply the Victim Impact Statement in the prosecution stage.

VIS is an important tool in assisting the evidentiary process. The therapeutic nature of VIS is in line with the concept of restorative justice, which is currently being developed in the Indonesian justice system. Instead of continuing to give preferential treatment to defendants, new breakthroughs need to be given to victims as well. In addition to restoring the better, the involvement of victims in the criminal justice process provides benefits for other stakeholders involved, including law enforcement officials, victims and defendants. This is the ideal mission expected by restorative justice, which is a deeper involvement of all parties. The seriousness of the prosecutor in implementing restorative justice can be realized through providing opportunities by facilitating victims to submit VIS before prosecution.

Victims no longer come as witnesses but also actively realize restorative justice for themselves as a basis for consideration of the judge's decision. And finally, it is also expected that this VIS will become the basis for judges' decisions at all legal efforts, from the first level of justice to the highest legal efforts to create a consistent sense of justice for the community.

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